

REMARKS

Claims 1-16 are pending in the above-identified application. Claims 8-15 stand withdrawn from consideration pursuant to a restriction requirement.

With this Amendment, the Specification and claim 1 were amended. No new matter has been introduced as a result of these amendments.

Claims 1-7 and 16 are at issue.

I. Objection To Specification

The Examiner rejected the substitution of the term, “polymer” for organic high molecular material on page 8, 2nd full paragraph. The specification lists furan resin as an example of a sintered organic high molecular polymer compound. Specification, Page 8. Furan resin is a resin that contains a furan ring as an integral part of its polymer chain. As such, support for the substitution of “polymer” for organic high molecular material is supported by the specification. Accordingly, Applicant respectfully requests that the above objection be withdrawn.

The Examiner rejected the use of “Ketjen Black” in the Specification for not appropriately acknowledging the proprietary nature of the mark. The term was amended to read, KETJENBLACK™. Accordingly, Applicant respectfully requests that the above objection be withdrawn.

II. Objection To Claims

The Examiner rejected claims 1-7 for improper use of a trademark in the claims. Claim 1 was amended to provide explanatory language of the material KETJENBLACK™ and to indicate that the material is commonly sold under the trademark KETJENBLACK™. Accordingly, Applicant respectfully requests that the above objection be withdrawn.

III. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-3 and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mitsufumi et al. (JP 09-035,718). Applicant respectfully traverses this rejection.

As reflected in the claims, the present invention relates to a non-aqueous electrolyte battery with an anode mixture with a carbonaceous material that absorbs gas and an active material that includes at least one of either lithium or lithium alloys. Specification, Pages 3, 8. Furthermore, the surface area of the gas adsorbing material is not less than 30 m²/g, but generally on the order of 700 to 1600 m²/g. Specification, Page 10.

Mitsufumi et al. discloses an alkali battery with a carbonaceous material used specifically as a conducting material. Mitsufumi et al., Paragraphs [0023];[0024]. Mitsufumi et al., however, does not teach or even fairly suggest using a carbonaceous material for the purpose of absorbing gas. As such, Mitsufumi et al. fails to teach or suggest all the limitations of claim 1. Thus, claim 1 is patentable over the cited reference, as are dependent claims 2, 3, and 16 for at least the same reasons. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

IV. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 4-5 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitsufumi et al. (JP 09-035,718), in view of Takeuchi et al. (U.S. Patent No. 5,807,645) or over Takeuchi et al. (U.S. Patent No. 5,807,645) in view of Mitsufumi et al. (JP 09-035,718). Applicant respectfully traverses this rejection.

Takeuchi et al. teaches an electrode containing a carbonaceous diluent/graphite blend for "aiding the discharge rate capability of the charge transfer active materials." Takeuchi et al., Col. 2, lines 36-44. Furthermore, Takeuchi et al. specifically teaches the use of a carbonaceous additive with a relatively low surface area of less than 100 m²/g. Takeuchi et al., Col. 2, lines 45-

60; Col. 3, lines 23-26. Takeuchi et al. does not teach or even fairly suggest the use of a carbonaceous additive with a high surface area range as discussed above in the claimed invention.

Mitsufumi et al. teaches the use of a carbonaceous material as a conducting material. Mitsufumi et al., Paragraphs [0023];[0024]. Mitsufumi et al. does not teach or even fairly suggest adding a high surface area carbon to the cathode mixture. Thus, either taken singularly or in combination with each other, the cited references fail to teach or even fairly suggest the addition of a high surface area carbon to an anode or a cathode. As such, claims 4-5 and 7 are patentable over the cited references. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitsufumi et al. (JP 09-035,718), in view of Bannai et al. (U.S. Patent No. 6,503,656 and EP 1,063,713). Applicant respectfully traverses this rejection.

Bannai et al. teaches a laminate film as an exterior casing material for a battery. Bannai et al., Col. 2, lines 52-57. Bannai et al., however, does not teach or even fairly suggest an anode mixture that includes at least one of either lithium or lithium alloys as an active material and a carbonaceous material that absorbs gas as discussed above in the claimed invention.

Furthermore, as discussed above, Mitsufumi et al. teaches the use of a carbonaceous material as a conducting material, not as a gas absorbing material in the anode active material. Mitsufumi et al., Paragraphs [0023];[0024]. Thus, either taken singularly or in combination with each other, the cited references fail to teach or even fairly suggest the combination of a high surface area carbon to an anode active material with a thin film casing. As such, claims 4-5 and 7

are patentable over the cited references. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

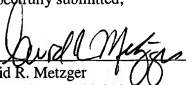
V. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

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Respectfully submitted,

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